



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

LICENSE No. **267**

PERMIT No. **892**

APPLICATION No. **1786**

This is to certify, That **Mark H. Potter and Harvey J. Nichols,** *Assigned*
o/o Allen P. Nichols, Attorney at Law
of Pomona, California, *ha* made proof to the satisfaction of the Division

of Water Rights of California of a right to the use of the waters of **a spring or springs**
in San Bernardino County, tributary of **Big Bear Lake**

for the purpose of **domestic use at a resort**

under Permit No. **892** of the Division of Water Rights and that said right to the use of said waters has
been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Rights,
and the terms of the said permit; that the priority of the right herein confirmed dates from **April 21st, 1920;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **five thousand (5,000)**
(0.005) cubic feet per second or approximately thirty-two hundred (3200) gallons per
day from about May 1st to about December 1st of each season.

The point of diversion of such water is located **sixteen hundred fifty (1650) feet west of the**
Northeast corner of Section 22, T. 2 N., R. 1 W., S. B. M., in the NW 1/4 NE 1/4 of said
Section 22.

A description of the lands or the place where such water is put to beneficial use is as follows: **Within the**
NW 1/4 NE 1/4 Section 22, T. 2 N., R. 1 W., S. B. M., and
NE 1/4 NW 1/4 Section 22, T. 2 N., R. 1 W., S. B. M.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion
herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions
set forth in section 20 of Chapter 586, Statutes 1913, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such
time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water
was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all
of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same
subject to such conditions as therein expressed; provided, that if, at any time after the expiration of twenty years after the granting of a license, the state,
or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to
purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under
said license; and in the event that the said state, city, county, municipal water district, irrigation district, lighting district or political subdivision
of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined
in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time
after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee,
has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the
permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose,
or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in
the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns
of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further
appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct
until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must
be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every
licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same under the conditions precedent that no value
whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued
under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public
authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any
rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation
proceedings or otherwise, by the state or any city, county, municipal water district, irrigation district, lighting district or any political subdivision
of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this
act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be
considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of
permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing,
further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing
municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits
for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality;
and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality
to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or
periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire
appropriation permitted; and provided, further, that when such municipality shall desire to use the additional water granted in its said application it may do
so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the
person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between
the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and
through eminent domain proceedings.

Witness the signature of the Chief of the Division of
Water Rights, Department of Public Works of the
State of California, and the seal of said department
this **24th** day of **April**, 19 **23.**

(SEAL)

H. A. KLUCKEL

Chief of Division of Water Rights, Department of
Public Works of the State of California

REVOKED

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

REVOKED

License for Diversion and Use of Water

LICENSE No. **268**

PERMIT No. **926**

APPLICATION No. **2415**

This is to certify, That James Barnett, J. J. Murphy and G. W. Murphy,
c/o James Barnett
of Dunsmuir, California, *have made proof to the satisfaction of the Division*
of Water Rights of California of a right to the use of the waters of Little Soda Creek,
in Siskiyou County, *tributary of Sacramento River,*
for the purpose of mining and running a quartz mill

under Permit No. 926 of the Division of Water Rights and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Rights and the terms of the said permit; that the priority of the right herein confirmed dates from June 28th,

1921; *that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed three (3) cubic feet per second from January 1st to December 31st of each season.*

The point of diversion of such water is located fifteen hundred feet South and Six hundred feet east of the southwest corner of Section 28, T. 39 N., R. 3 W., M. D. N., being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T. 39 N., R. 3 W., M. D. N.

A description of the lands or the place where such water is put to beneficial use is as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, T. 39 N., R. 3 W., M. D. N.

Water is returned to Arvil Creek about one hundred feet from its mouth.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in section 20 of Chapter 586, Statutes 1913, which is as follows:

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and *providing*, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and *providing*, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and *providing*, further, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness the signature of the Chief of the Division of Water Rights, Department of Public Works of the State of California, and the seal of said department

125th day of April

1923

(SEAL)

H. A. KUEBEL

Chief of Division of Water Rights, Department of Public Works of the State of California

L267

10-6-69 Name changed to Bear Valley Water
Users Association

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

ORDER

APPLICATION 2413

PERMIT 926


LICENSE 268

ORDER REVOKING LICENSE

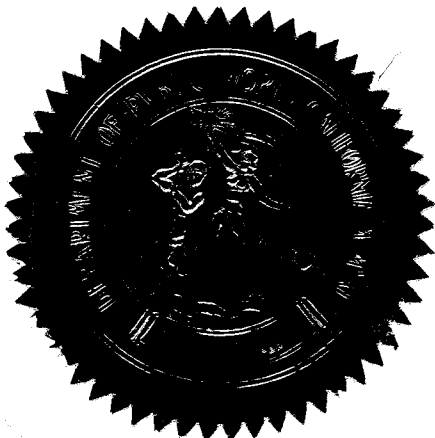
On October 19, 1950 there was received from licensee a statement that the project covered by License 268, issued in the matter of Application 2413, had been abandoned.

IT IS THEREFORE ORDERED that said license be and the same is hereby revoked and cancelled without prejudice upon the records of the Department.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 6th day of November, 1950.



A. D. Edmonston
State Engineer



11/23/41

RECEIVED NOTICE OF...

L268

= of interest of James Barnett
to Otto Beaulieu